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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,092	01/02/2004	William R. Dodds	3158.01US02	1330

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MINNEAPOLIS, MN 55402-2100

EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,092

Applicant(s)

DODDS, WILLIAM R. *ST*

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-17 and 20-25 is/are rejected.
- 7) ☐ Claim(s) 7-12, 18, 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-6, 13-17, 20-25 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see amendment, with respect to 7-12, 18 and 19 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 13-17, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over France (US3180319) in view of Moore (US3205860).

Regarding claims 1,20, 22-25, France et al. disclose a feeding apparatus comprising: a container having a plurality of side walls, each side wall having structure that defines at least one opening which permits access to the interior of the container; and an extension 12 surrounding the container.

France et al. do not disclose that the extension has regions of increased extension and regions of decreased extension, wherein the undulating extension defines a plurality of separate eating stations.

Moore discloses an extension 18 surrounding a container 13 which has regions of increased and decreased extension defining a plurality of separate (refer to figure 1, which shows partitions 23 defining feeding stations 27) eating stations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Moore of an undulating extension 18 to separate animals during feeding and to ensure that each animal receives an adequate amount of feed.

Regarding claim 2, France et al. disclose the feeding apparatus of claim 1 wherein the container further comprises a first section connected to a second section (see figure 1 which discloses a hopper section and a trough, or extension, section).

Regarding claim 3, France et al. disclose the feeding apparatus of claim 2 wherein the first section has a rectangular cross section (refer to figure 3).

Regarding claim 4, France discloses the feeding apparatus of claim 2 wherein the second section has a trapezoidal shape (also see figure 3).

Regarding claim 5, France et al. disclose the first and second section each comprise a plurality of sidewalls, wherein each of the plurality of side walls has structure which defines a plurality of openings 17.

Regarding claim 6, France et al. disclose the feeding apparatus of claim 2 wherein the container further comprises a feed divider member (figure 2) located within the

container (figure 1) for directing feed towards the openings in the plurality of side walls in the container.

Regarding claim 13, France et al. disclose the feeding apparatus of claim 1 wherein the regions of increased extension comprise one or more drains suitable for draining liquid from the regions of increased extension (holes through which element 38 passews are suitable for and would allow for liquid to drain through).

Regarding claims 15,16, and 17 France et al. disclose the feeding apparatus of claim 1. France et al. do not disclose the feeding device is supported by a truss system with multiple legs.

Moore discloses the device is supported by a truss system with a plurality of legs 40, , 43 with a base portion 42.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Moore of a truss system to the feeding device of France et al. in order to raise the unit off the floor, for ease of access for the animals, and to prevent any water damage that could occur to the feed if the unit were to permanently reside on the floor of a feed lot or barn.

Allowable Subject Matter

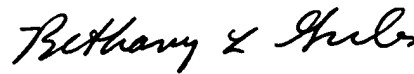
Claims 7-12, 18, 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

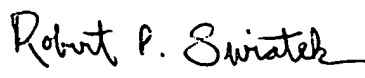
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bethany L. Griles
Examiner
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ROBERT P. SWIATEK
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